

AMENDED IN ASSEMBLY FEBRUARY 16, 2006

AMENDED IN ASSEMBLY SEPTEMBER 7, 2005

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 813

Introduced by Senator Denham
(Coauthor: Senator Machado)
(Coauthor: Assembly Member Wolk)

February 22, 2005

An act to amend Sections 17071.33, *17071.40*, and 17071.75 of, to amend and repeal Section 17017.7 of, and to repeal ~~Sections 17071.35 and 17071.40~~ *Section 17071.35* of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 813, as amended, Denham. School facilities.

(1) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, authorizes the State Allocation Board to apportion state funding to applicant school districts for designated school facilities construction purposes. Existing law provides a priority schedule for the approval of project funding for new construction with respect to multitrack year-round schools.

This bill would provide that those provisions regarding the priority schedule are in effect only until January 1, 2012, and are repealed as of that date.

(2) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction

and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law requires an applicant school district for new construction to submit to the board a one-time report of existing school building capacity, to be calculated pursuant to a specified formula. Existing law requires, for purposes of determining existing school building capacity, the calculation to be adjusted as required for first priority status, as provided.

This bill would require that calculation adjustment to be phased out over the next 6 years, ~~commencing January 1, 2006~~ *commencing on the effective date of this act*, as provided.

(3) Existing law exempts a school on a year-round, multitrack calendar with a density of 200 or more pupils enrolled per acre, that is located in a school district with 40% of its pupils attending a multitrack, year-round, school from specified building capacity requirements.

This bill would instead exempt a school that is located in a school district with 30% of its pupils attending a multitrack, year-round, school.

(4) Existing law provides that a school district's ongoing eligibility for new construction funding is determined by making calculations related to certain factors, including, but not limited to, enrollment projections, the number of pupils that may be adequately housed in the existing school building capacity of the district, and increases or decreases in enrollment resulting from the Year-Round School Grant Program.

This bill would prohibit the enrollment changes reported under the Year-Round School Grant Program from reducing a school district's ongoing eligibility for new construction funding, if the school district provides specified evidence.

~~(3)~~

(5) This bill would make related changes.

~~(4) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17017.7 of the Education Code is amended to read:

17017.7. (a) Notwithstanding any other provision of this chapter, priority for the approval of project funding for new construction under this chapter; shall be as follows:

(1) First priority for construction funds shall be given to school districts with a substantial enrollment in multitrack year-round schools requesting state funding for 50 percent of the cost of a project that would be constructed to operate on a multitrack year-round basis.

(2) Second priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would be constructed to operate on a multitrack year-round basis.

(3) Third priority shall be for school districts without a substantial enrollment in multitrack year-round schools requesting state funding for 50 percent of the cost of a project to operate on a multitrack year-round basis.

(4) Fourth priority shall be for school districts without a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would be constructed to operate on a multitrack year-round basis.

(5) Fifth priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for 50 percent of the cost of a project that would not operate on a multitrack year-round basis.

(6) Sixth priority shall be for school districts with a substantial enrollment in multitrack year-round schools requesting state funding for the entire cost of a project that would not operate on a multitrack year-round basis.

(b) The board shall not restrict the availability of funding for construction of multitrack year-round schools; from any funding source available to the State School Building Lease-Purchase Fund, but shall make approval of project funding for those projects the first priority in accordance with this section.

(c) "Substantial enrollment," for the purposes of this section, means enrollment of at least 30 percent of district pupils in kindergarten and grades 1 to 6, inclusive, or 40 percent of pupils

1 in kindergarten and grades 1 to 12, inclusive, in the high school
2 attendance area for which the school district is applying for new
3 facilities. The calculation set forth in this subdivision, as to a
4 self-certifying district, shall be made by the district, in
5 accordance with any standards governing that calculation that are
6 adopted by the board. The calculation shall be certified by the
7 district to the board and used by the board for the purposes of this
8 section. The self-certifying district shall maintain documentation
9 of the calculation as may be required by the board, and the
10 calculation shall be subject to subsequent audit as the board may
11 direct. If a self-certifying district is found by the board to have
12 materially misrepresented its pupil enrollment pursuant to this
13 subdivision, the board may impose either or both of the penalties
14 set forth in paragraphs (1) and (2) of subdivision (b) of Section
15 17041.2, in accordance with that section.

16 (d) “Multitrack year-round school,” for purposes of this
17 section, means a school for which the applicant school district
18 demonstrates that both of the following criteria are satisfied:

19 (1) The pupils are divided into three or more groups or tracks,
20 which rotate attendance so that, for a majority of schooldays
21 during the school year, at least one group or track is not attending
22 the school while all other groups or tracks are in attendance.

23 (2) The operation of the school on a multitrack year-round
24 basis has resulted in an increase in enrollment capacity.

25 (e) Notwithstanding any other provision of this section, the
26 ~~State Allocation Board~~ board may continue to implement any
27 year-round school priority provisions for hardships adopted prior
28 to September 1, 1990.

29 (f) This section shall remain in effect only until January 1,
30 2012, and as of that date is repealed, unless a later enacted
31 statute, that is enacted before January 1, 2012, deletes or extends
32 that date.

33 SEC. 2. Section 17071.33 of the Education Code is amended
34 to read:

35 17071.33. (a) For the purposes of determining existing
36 school building capacity, the calculation shall be adjusted as
37 required for first priority status pursuant to Section 17017.7 as
38 that calculation would have been made under the policies of the
39 board in effect immediately preceding September 1, 1998. The
40 calculation adjustment *made on applications filed on and after*

1 *the effective date of the act that adds this sentence shall be*
2 *phased out over the next six years, commencing January 1, 2006,*
3 *so that the percentage requirement specified in subdivision (c) of*
4 *Section 17017.7 for kindergarten and grades 1 to 6, inclusive, is*
5 *reduced by five percentage points each of those years, and the*
6 *percentage for kindergarten and grades 1 to 12, inclusive, is*
7 *reduced by an equal amount for each of these the same five*
8 *percentage points for each of those years.*

9 (b) Notwithstanding subdivision (a), with respect to a high
10 school district, the existing school building capacity shall be
11 calculated without regard to multitrack year-round school
12 considerations.

13 SEC. 3. Section 17071.35 of the Education Code is repealed.

14 ~~SEC. 4. Section 17071.40 of the Education Code is repealed.~~

15 ~~SEC. 5. Section 17071.75 of the Education Code is amended~~
16 ~~to read:~~

17 ~~17071.75. After a one-time initial report of existing school~~
18 ~~building capacity has been completed, a school district's ongoing~~
19 ~~eligibility for new construction funding shall be determined by~~
20 ~~making all of the following calculations:~~

21 (a) ~~Each school district that applies to receive funding for new~~
22 ~~construction shall calculate enrollment projections for the fifth~~
23 ~~year beyond the fiscal year in which the application is made.~~
24 ~~Projected enrollment shall be determined by utilizing the cohort~~
25 ~~survival enrollment projection system, as defined and approved~~
26 ~~by the board. The board may supplement the cohort survival~~
27 ~~enrollment projection by the number of unhoused pupils that are~~
28 ~~anticipated as a result of dwelling units proposed pursuant to~~
29 ~~approved and valid tentative subdivision maps.~~

30 (b) ~~Add the number of pupils that may be adequately housed~~
31 ~~in the existing school building capacity of the applicant district as~~
32 ~~determined pursuant to Article 2 (commencing with Section~~
33 ~~17071.10) to the number of pupils for which facilities were~~
34 ~~provided from any state or local funding source after the existing~~
35 ~~school building capacity was determined pursuant to Article 2~~
36 ~~(commencing with Section 17071.10). For this purpose, the total~~
37 ~~number of pupils for which facilities were provided shall be~~
38 ~~determined using the pupil loading formula set forth in Section~~
39 ~~17071.25.~~

~~(e) Subtract the number of pupils pursuant to subdivision (b) from the number of pupils determined pursuant to subdivision (a).~~

~~(d) The calculations required to establish eligibility under this article shall result in a distinction between the number of existing unhoused pupils and the number of projected unhoused pupils.~~

~~(e) (1) Apply the increase or decrease resulting from the difference between the most recent report made pursuant to Section 42268, and the report used in determining the school district's baseline capacity pursuant to subdivision (a) of Section 17071.25.~~

~~(2) Eligibility shall not be reduced pursuant to paragraph (1) in any year for a school for which the school district provides evidence that the school district will complete a project within three years that will house the pupils for whom grants were requested pursuant to Section 42260.~~

~~(f) For a school district with an enrollment of 2,500, or less, an adjustment in enrollment projections shall not result in a loss of ongoing eligibility to that school district for a period of three years from the date of the approval of eligibility by the board.~~

SEC. 4. Section 17071.40 of the Education Code is amended to read:

17071.40. Each school on a year-round, multitrack calendar that has a density of 200 or more pupils enrolled per acre, that is located in a school district with ~~40~~ 30 percent of its pupils attending multitrack, year-round schools shall be exempted from the increase in school building capacity required by Section 17071.35. Nothing in this section shall be construed as exempting the school from the requirements of Section 17071.33.

SEC. 5. Section 17071.75 of the Education Code is amended to read:

17071.75. After a one-time initial report of existing school building capacity has been completed, the ongoing eligibility of a school district for new construction funding shall be determined by making all of the following calculations:

(a) A school district that applies to receive funding for new construction shall use the following methods to determine projected enrollment:

(1) A school district that has two or more schoolsites each with a pupil population density that is greater than 115 pupils per

1 acre in kindergarten and grades 1 to 6, inclusive, or a schoolsite
2 pupil population density that is greater than 90 pupils per acre in
3 grades 7 to 12, inclusive, as determined by the Superintendent
4 using enrollment data from the California Basic Educational Data
5 System for the 2004–05 school year, may submit an application
6 for funding for projects that will relieve overcrowded conditions.
7 That school district may also submit an alternative enrollment
8 projection for the fifth year beyond the fiscal year in which the
9 application is made using a methodology other than the cohort
10 survival method as defined by the board pursuant to paragraph
11 (2), to be reviewed by the Demographic Research Unit of the
12 Department of Finance, in consultation with the department and
13 the Office of Public School Construction. If the Office of Public
14 School Construction and the Demographic Research Unit of the
15 Department of Finance jointly determine that the alternative
16 enrollment projection provides a reasonable estimate of expected
17 enrollment demand, a recommendation shall be forwarded to the
18 board to approve or disapprove the application, in accordance
19 with all of the following:

20 (A) Total funding for new construction projects using this
21 method shall be limited to five hundred million (\$500,000,000),
22 from the Kindergarten-University Public Education Facilities
23 Bond Act of 2004.

24 (B) The eligibility amount for proposed projects that relieve
25 overcrowding is the difference between the alternative
26 enrollment projection method for the year the application is
27 submitted and the cohort survival method, as defined by
28 paragraph (2), for the same year, adjusted by the existing pupil
29 capacity in excess of the projected enrollment according to the
30 cohort survival projection method.

31 (C) The Office of Public School Construction shall determine
32 whether each proposed project will relieve overcrowding,
33 including, but not limited to, the elimination of the use of
34 Concept 6 calendars, four track year-round calendars, or bussing
35 in excess of 40 minutes, and recommend approval to the board.
36 The number of unhoused pupil grants requested in the application
37 for funding from the eligibility determined pursuant to this
38 paragraph shall be limited to the number of seats necessary to
39 relieve overcrowding, including, but not limited to, the
40 elimination of the use of Concept 6 calendars, four track

1 year-round calendars, or bussing in excess of 40 minutes, less the
2 number of unhoused pupil grants attributed to that school as a
3 source school in an approved application pursuant to Section
4 17078.24.

5 (D) A school district shall use the same alternative enrollment
6 projection methodology for all applications submitted pursuant to
7 this paragraph and shall calculate those projections in accordance
8 with the same district-wide or high school attendance area used
9 for the enrollment projection made pursuant to paragraph (2).

10 (2) A school district shall calculate enrollment projections for
11 the fifth year beyond the fiscal year in which the application is
12 made. Projected enrollment shall be determined by utilizing the
13 cohort survival enrollment projection system, as defined and
14 approved by the board. The board may supplement the cohort
15 survival enrollment projection by the number of unhoused pupils
16 that are anticipated as a result of dwelling units proposed
17 pursuant to approved and valid tentative subdivision maps.

18 (b) Add the number of pupils that may be adequately housed
19 in the existing school building capacity of the applicant school
20 district as determined pursuant to Article 2 (commencing with
21 Section 17071.10) to the number of pupils for whom facilities
22 were provided from any state or local funding source after the
23 existing school building capacity was determined pursuant to
24 Article 2 (commencing with Section 17071.10). For this purpose,
25 the total number of pupils for whom facilities were provided
26 shall be determined using the pupil loading formula set forth in
27 Section 17071.25.

28 (c) Subtract the number of pupils pursuant to subdivision (b)
29 from the number of pupils determined pursuant to paragraph (2)
30 of subdivision (a).

31 (d) The calculations required to establish eligibility under this
32 article shall result in a distinction between the number of existing
33 unhoused pupils and the number of projected unhoused pupils.

34 (e) (1) Apply the increase or decrease resulting from the
35 difference between the most recent report made pursuant to
36 Section 42268, and the report used in determining the baseline
37 capacity of the school district pursuant to subdivision (a) of
38 Section 17071.25.

39 (2) *Eligibility shall not be reduced pursuant to paragraph (1)*
40 *in any year for a school for which the school district provides*

evidence that the school district will complete a project within three years that will house the pupils for whom grants were requested pursuant to Section 42260.

(f) For a school district with an enrollment of 2,500, or less, an adjustment in enrollment projections shall not result in a loss of ongoing eligibility to that school district for a period of three years from the date of the approval of eligibility by the board.

CORRECTIONS:

Text — Pages 5, 6, and 7.

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